

**MICHAEL G. PENKWITZ**

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August 13, 2021

Honorable Brett H. Ludwig  
United States District Judge  
Eastern District of Wisconsin  
Federal Courthouse  
517 E. Wisconsin Avenue  
Milwaukee, WI 53202-4500

Re: United States District Court  
Eastern District of Wisconsin  
United States of America vs. John D. Whelan  
Case Number 2:21-cr-00005-BHL

Dear Judge Ludwig:

This letter is to inform the Court that my client, Dr. John D. Whelan, has decided not to enter into the offered Plea Agreement in the above-referenced case, that was scheduled as a Plea Hearing on 8/17/21 at 1:00 p.m. I have informed Attorney Julie Stewart (USAWIE) of same and by copy of this letter.

Pursuant to your Notice dated 8/13/21, it is my understanding that the 8/17/21 hearing will now be converted to a Counsel-Only Status Conference by telephone call in.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael G. Penkwitz'.

Michael G. Penkwitz  
Attorney at Law

MGP/mtf  
C: [kevin.knight@usdoj.gov](mailto:kevin.knight@usdoj.gov) & [Julie.stewart@usdoj.gov](mailto:Julie.stewart@usdoj.gov)